

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 133

HOUSE BILL 2287

AN ACT

AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 14, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1969; RELATING TO THE DEPARTMENT OF ECONOMIC SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-619.51, Arizona Revised Statutes, is amended to
3 read:

4 41-619.51. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Agency" means the supreme court, the department of economic
7 security, the department of education, the department of health services or
8 the department of juvenile corrections.

9 2. "Board" means the board of fingerprinting.

10 3. "Expedited review" means an examination, in accordance with board
11 rule, of the documents an applicant submits by the board or its hearing
12 officer without the applicant being present.

13 4. "Facility" or "program" means state facilities or programs that
14 provide direct services to adults with developmental disabilities or to
15 juveniles.

16 5. "Good cause exception" means the issuance of a fingerprint
17 clearance card to an employee pursuant to section 41-619.55.

18 6. "Person" means a person who is required to be fingerprinted
19 pursuant to any of the following:

20 (a) Section 8-105.

21 (b) Section 8-322.

22 (c) Section 8-509.

23 (d) Section 8-802.

24 (e) Section 15-183.

25 (f) Section 15-534.

26 (g) Section 15-1330.

27 (h) Section 36-411.

28 (i) Section 36-425.03.

29 (j) Section 36-594.01.

30 (k) Section 36-594.02.

31 (l) Section 36-882.

32 (m) Section 36-883.02.

33 (n) Section 36-897.01.

34 (o) Section 36-897.03.

35 (p) Section 36-3008.

36 (q) Section 41-1964.

37 (r) Section 41-1967.01.

38 (s) Section 41-1968.

39 (t) SECTION 41-1969.

40 ~~(u)~~ (u) Section 41-2814.

41 ~~(u)~~ (v) Section 46-141, subsection A.

42 ~~(v)~~ (w) Section 46-321.

43 Sec. 2. Section 41-1758, Arizona Revised Statutes, is amended to read:

44 41-1758. Definitions

45 In this article, unless the context otherwise requires:

1 1. "Agency" means the supreme court, the department of economic
2 security, the department of education, the department of health services or
3 the department of juvenile corrections.

4 2. "Division" means the fingerprinting division in the department of
5 public safety.

6 3. "Facility or program" means state facilities or programs that
7 provide direct services to adults with developmental disabilities or to
8 juveniles.

9 4. "Good cause exception" means the issuance of a fingerprint
10 clearance card to an employee pursuant to section 41-619.55.

11 5. "Person" means a person who is required to be fingerprinted
12 pursuant to any of the following:

13 (a) Section 8-105.

14 (b) Section 8-322.

15 (c) Section 8-509.

16 (d) Section 8-802.

17 (e) Section 15-183.

18 (f) Section 15-534.

19 (g) Section 15-1330.

20 (h) Section 36-411.

21 (i) Section 36-425.03.

22 (j) Section 36-594.01.

23 (k) Section 36-594.02.

24 (l) Section 36-882.

25 (m) Section 36-883.02.

26 (n) Section 36-897.01.

27 (o) Section 36-897.03.

28 (p) Section 36-3008.

29 (q) Section 41-1964.

30 (r) Section 41-1967.01.

31 (s) Section 41-1968.

32 (t) SECTION 41-1969.

33 ~~(t)~~ (u) Section 41-2814.

34 ~~(u)~~ (v) Section 46-141, subsection A.

35 ~~(v)~~ (w) Section 46-321.

36 6. "Vulnerable adult" has the same meaning prescribed in section
37 13-3623.

38 Sec. 3. Section 41-1758.01, Arizona Revised Statutes, is amended to
39 read:

40 41-1758.01. Fingerprinting division; duties

41 The fingerprinting division is established in the department of public
42 safety and shall:

43 1. Conduct fingerprint background checks for persons and applicants
44 who are seeking employment with licensees, contract providers and state
45 agencies that require fingerprint background checks pursuant to sections

1 8-105, 8-322, 8-509, 8-802, 15-183, 15-534, 15-1330, 36-411, 36-425.03,
2 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008,
3 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection
4 A and section 46-321.

5 2. Issue fingerprint clearance cards. On issuance, a fingerprint
6 clearance card becomes the personal property of the cardholder and the
7 cardholder shall retain possession of the fingerprint clearance card.

8 3. On submission of an application for a fingerprint clearance card,
9 collect the fees established by the board of fingerprinting pursuant to
10 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
11 monies collected in the board of fingerprinting fund.

12 4. Inform in writing each person who submits fingerprints for a
13 fingerprint background check of the person's right to petition the board of
14 fingerprinting for a good cause exception pursuant to section 41-1758.03.

15 5. Administer and enforce this article.

16 Sec. 4. Title 41, chapter 14, article 1, Arizona Revised Statutes, is
17 amended by adding section 41-1969, to read:

18 41-1969. Information technology personnel; criminal history
19 records

20 A. EACH EMPLOYEE OF THE DEPARTMENT OF ECONOMIC SECURITY WHO IS
21 EMPLOYED IN AN INFORMATION TECHNOLOGY POSITION SHALL HAVE A VALID FINGERPRINT
22 CLEARANCE CARD ISSUED PURSUANT TO CHAPTER 12, ARTICLE 3.1 OF THIS TITLE OR
23 PROVIDE TO THE DEPARTMENT DOCUMENTATION OF THE PERSON'S APPLICATION FOR A
24 FINGERPRINT CLEARANCE CARD. BEFORE ACCEPTING AN OFFER OF EMPLOYMENT, AN
25 APPLICANT FOR AN INFORMATION TECHNOLOGY POSITION IN THE DEPARTMENT OF
26 ECONOMIC SECURITY SHALL HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED
27 PURSUANT TO CHAPTER 12, ARTICLE 3.1 OF THIS TITLE OR PROVIDE TO THE
28 DEPARTMENT DOCUMENTATION OF THE PERSON'S APPLICATION FOR A FINGERPRINT
29 CLEARANCE CARD.

30 B. THE DEPARTMENT OF ECONOMIC SECURITY SHALL NOT DISCLOSE INFORMATION
31 OBTAINED PURSUANT TO SUBSECTION A OF THIS SECTION EXCEPT TO MEMBERS OF THE
32 DEPARTMENT'S STAFF SOLELY FOR EMPLOYMENT PURPOSES.

33 Sec. 5. Information technology personnel, department of
34 economic security; valid fingerprint clearance card

35 Notwithstanding section 41-1969, Arizona Revised Statutes, as added by
36 this act, information technology personnel who are employees of the
37 department of economic security on the effective date of this act and who are
38 subject to the requirements of section 41-1969, Arizona Revised Statutes, as
39 added by this act, have until July 1, 2007 to obtain a valid fingerprint
40 clearance card or a good cause exception.

APPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.